

**Maine Revised Statutes**  
**Title 34-A: CORRECTIONS**  
**Chapter 1: GENERAL PROVISIONS**

**§1803. BOARD RESPONSIBILITIES AND DUTIES**

In addition to other duties and powers set out in this Title, the board is charged with the following responsibilities and duties. [2011, c. 374, §11 (AMD).]

**1. Manage the cost of corrections.** The board shall develop a plan to achieve systemic cost savings and cost avoidance throughout the coordinated correctional system with the goal of operating efficient correctional services. Additionally, the board shall:

A. Review, amend if necessary and adopt the correctional services expenditures in each county budget under Title 30-A, section 710; [2011, c. 374, §12 (AMD).]

B. Develop reinvestment strategies within the coordinated correctional system to improve services and reduce recidivism; [2011, c. 374, §12 (AMD).]

C. Establish boarding rates for the coordinated correctional system, except boarding rates for federal inmates; [2011, c. 374, §12 (AMD).]

D. Review department biennial and supplemental budget proposals affecting adult correctional and adult probation services and submit recommendations regarding these budget proposals to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs; [2011, c. 374, §12 (AMD).]

E. Develop parameters for facility population, including but not limited to gender; classification; legal status, including pretrial or sentenced; and special needs; and [2011, c. 374, §12 (NEW).]

F. Enter into contracts on behalf of county jails or regional jails for any goods or services when such contracts will:

- (1) Lower the cost of providing correctional services;
- (2) Improve delivery of correctional services; or
- (3) Otherwise help to achieve the goals of the board pursuant to section 1801.

If the board enters into a contract on behalf of a county, that county is responsible for meeting the terms of the contract and the pro rata share of the costs for the goods and services under the contract. A county subject to a contract under this paragraph may not contract for any goods or services that are the subject of the contract without the prior written approval of the board. Except for goods and services contracted by the board, a county or regional jail may enter into an agreement with another county or regional jail to procure goods and services without the written permission of the board. [2013, c. 598, §12 (AMD).]

[2013, c. 598, §12 (AMD).]

**1-A. Adopt a budget growth factor; personnel costs.** The board shall establish a budget growth factor for each fiscal year as determined pursuant to Title 30-A, section 710, subsection 1-A. The board shall approve a county budget that does not exceed the budget growth factor calculated on the total county budget that includes the state-funded portion of the county budget. A county may exceed the budget growth factor as applied to personnel costs but may not exceed the budget growth factor established for a county's overall budget.

[2013, c. 598, §13 (NEW).]

**2. Determine correctional facility use and purpose.** The board shall:

A. Determine individual correctional facility and county jail use, including the location of specialty units, which may include medical, mental health, women's and substance abuse units, other specialty units and housing of pretrial and sentenced populations; [2007, c. 653, Pt. A, §30 (NEW).]

B. Review and approve staffing levels at each correctional facility and county jail to ensure that safe conditions exist for staff, inmates and others; [2013, c. 598, §14 (AMD).]

C. Review the use of all correctional facilities and county jails. The board may downsize or close facilities or reassign services. The board shall adopt rules governing the process and standards for closing or downsizing a correctional facility or a county jail, including criteria to be evaluated and stakeholders to be consulted. Rules adopted pursuant to this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A; [2013, c. 598, §14 (AMD).]

D. Manage inmate bed space throughout the coordinated correctional system and direct the transfer of inmates between county jails; and [2013, c. 598, §15 (NEW).]

E. Receive and review all reports and results of county jail inspections conducted by the department pursuant to section 1208, subsection 2. [2013, c. 598, §15 (NEW).]

[ 2013, c. 598, §§14, 15 (AMD) .]

**3. Adopt treatment standards and policies.** The board shall:

A. Adopt standards for consistent systemwide pretrial, revocation and reentry practices; [2007, c. 653, Pt. A, §30 (NEW).]

B. Adopt standards for the treatment of inmates with mental illness within correctional facilities and county jails, and in consultation with the State Forensic Service, adopt policies for facilitating the performance of court-ordered mental health evaluations within correctional facilities and county jails when appropriate; and [2007, c. 653, Pt. A, §30 (NEW).]

C. Coordinate transportation of inmates in the coordinated correctional system. [2011, c. 374, §13 (AMD).]

[ 2011, c. 374, §13 (AMD) .]

**3-A. Adopt and enforce standards of efficiency.** The board shall adopt and enforce standards to improve the efficiency of the county correctional system relating to:

A. Management information systems and infrastructure; [2013, c. 598, §16 (NEW).]

B. Security equipment; [2013, c. 598, §16 (NEW).]

C. Inmate classification; [2013, c. 598, §16 (NEW).]

D. Pretrial services; [2013, c. 598, §16 (NEW).]

E. Staffing qualifications and staffing levels; and [2013, c. 598, §16 (NEW).]

F. Other matters relating to construction, maintenance and operations. [2013, c. 598, §16 (NEW).]

[ 2013, c. 598, §16 (NEW) .]

**4. Certificate of need.** The board shall review and may approve any future public or private construction projects. The board shall establish a certificate of need process used for the review and approval of any future public or private capital correctional construction projects. A public or private correctional construction project may not be undertaken unless the board issues a certificate of need in support of that

project. The board shall adopt rules governing the procedures relating to the certificate of need process and financing alternatives. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2009, c. 391, §14 (AMD) .]

**5. Administrative duties.** The board shall:

A. Identify opportunities for and approve cost-saving agreements and efficiencies, including, but not limited to, purchasing or contract agreements, shared staff and staff training, transportation and technology initiatives. Any opportunities identified by the board must be included and discussed in the board's reports to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters as required under subsection 10; [2007, c. 653, Pt. A, §30 (NEW) .]

B. [2013, c. 533, §25 (RP) .]

C. Assist correctional facilities and county jails when appropriate to establish, achieve and maintain professional correctional accreditation standards; [2007, c. 653, Pt. A, §30 (NEW) .]

D. Administer the County Jail Prisoner Support and Community Corrections Fund established in section 1806 and the State Board of Corrections Operational Support Fund program established in section 1805. The board may allocate available funds from the State Board of Corrections Operational Support Fund program to meet any emergency expenses or for maintenance in emergency conditions of any correctional facility or county jail. The board may make allocations for these purposes only upon written request of the commissioner or a county; [2013, c. 598, §17 (AMD) .]

E. Prepare and submit to the Governor a budget for the State Board of Corrections Operational Support Fund program established in section 1805 biennially that clearly identifies the financial contribution required by the State to support the recommended costs of corrections as established in subsection 1-A in addition to the capped property tax contribution under Title 30-A, section 701, subsection 2-A. The board shall also propose in its budget an appropriation to the State Board of Corrections Operational Support Fund program of an amount equal to 10% of the amount of projected statewide long-term capital improvement plan needs as approved by the board for the succeeding 10 years; [2013, c. 598, §18 (AMD) .]

F. Promote and support the use of evidence-based practices; and [2013, c. 598, §19 (AMD) .]

G. Consult with mental health and drug abuse experts to assist the board with issues related to mental health and drug abuse. [2013, c. 598, §20 (NEW) .]

[ 2013, c. 533, §25 (AMD); 2013, c. 598, §§17-20 (AMD) .]

**6. Receive and review recommendations.** The board shall receive and review recommendations submitted by the commissioner, the counties, the corrections working group established in section 1804 or other interested parties concerning development of downsizing plans and reinvestment strategies, uniform practices for pretrial, inmate classification, revocation and reentry services, and other recommendations with respect to the delivery of state and county corrections services. The board shall consult with and seek input from prosecutors; defense attorneys; judges; advocates for victims; providers and advocates who work with persons with mental illness; and other interested parties.

[ 2007, c. 653, Pt. A, §30 (NEW) .]

**7. Authority limited.** The board does not have authority to exercise jurisdiction over inmate grievances, labor negotiations or contracts, including personnel rules negotiated as part of any collective bargaining agreement, or the administration of juvenile community corrections services. Nothing in this subchapter authorizes the board to interfere in obligations counties have in collective bargaining obligations under Title 26, section 965.

[ 2013, c. 598, §21 (AMD) .]

**8. Rulemaking.** The board may adopt rules necessary to implement this subchapter. Unless otherwise indicated, rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2013, c. 598, §22 (AMD) .]

**9. Appeals.** Only the department or a county aggrieved by a final decision of the board is entitled to judicial review pursuant to Title 5, section 11001. Such review must be limited to errors of law.

[ 2007, c. 653, Pt. A, §30 (NEW) .]

**10. Reporting.** The board shall make initial reports to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 15, 2009 and by April 1, 2009. Thereafter, the board shall report at least annually, beginning January 15, 2010, and as requested. Reports must include any recommendations for amending laws relating to the coordinated correctional system or the board.

[ 2011, c. 374, §14 (AMD) .]

**11. Committee review.** The joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters shall conduct an initial review by April 1, 2009 and annually by January 15th thereafter to analyze the effectiveness of the board in fulfilling its purposes, including but not limited to a review of the board's identification of opportunities for and agreements regarding cost savings and efficiencies in purchasing, training, transportation and technology. The committee has authority to report out legislation upon completing its review each year.

[ 2007, c. 653, Pt. A, §30 (NEW) .]

#### SECTION HISTORY

2007, c. 653, Pt. A, §30 (NEW). 2009, c. 213, Pt. GGG, §§3, 4 (AMD).  
2009, c. 213, Pt. GGG, §7 (AFF). 2009, c. 391, §§11-14 (AMD). 2011,  
c. 374, §§11-14 (AMD). 2013, c. 533, §25 (AMD). 2013, c. 598, §§12-22  
(AMD).

---

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 126th Maine Legislature and is current through August 1, 2014. The text is subject to*

*change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.